

### **REMARKS**

Applicant notes with appreciation the detail and thoroughness of the outstanding Office Action. This amendment is submitted to be fully responsive thereto. By way of this response, informalities associated with the abstract and the specification disclosure have been corrected consistent with the Examiner's instructions. Additionally, replacement sheets 1 and 2 of drawings containing Figures 1-5 are submitted by way of this response in order to show with greater clarity the presence of the openings on either side of the stud. The figures from the priority document, U.S. provisional application 60/463,664, filed April 17, 2003 are also provided, as a courtesy, in support of Applicant's belief that the drawing corrections do not constitute new matter. Applicant submits that no new matter has been added by way of this amendment. Currently, claims 1-18 are pending in the application. Claims 3 and 13 are rejected under 35 U.S.C. §112, first paragraph. The remaining claims 1, 2, 4-12 and 14-18 stand rejected under 35 U.S.C. §103(a) over Dossett (U.S. 6,401,304) in view of Ross (U.S. 5,367,809).

#### **Remarks Directed to Rejection of Claims 3 and 13 Under 35 U.S.C. §112, First Paragraph**

Claims 3 and 13 are rejected with respect to the phrase "there is an opening adjacent to the base of the stud and the first tab portion or the third tab portion integral therewith." In response to this rejection, claims 3 and 13 have been amended to state with great clarity the relationship of the opening relative the stud. Namely, the opening adjacent to the base of the stud is in the first tab portion or in the third tab portion that is integral with the stud. To further provide clarification with respect to this inventive aspect, the openings 38 have been labeled in Figures 1, 3, and 4. In addition, the flange portions 34a and 34b have been labeled Figure 1. Applicant also notes that as Figure 3 is a rear planar view of an inventive hanger, the stud is

projecting into the plane of the page and is therefore not readily visible. The interaction of the stud, the openings adjacent to the stud, and the aperture as depicted in Figure 1 and as shown in magnified view in Figure 4 is now submitted to be shown with enabled clarity.

In light of the above amendments and remarks, it is now submitted that the subject matter of claims 3 and 13 are properly enabled. Reconsideration and withdrawal of the rejection as to claims 3 and 13 under 35 U.S.C. §112, first paragraph, is solicited.

**Remarks Directed to Rejection of Remaining Claims  
Under 35 U.S.C. §103(a) Over Dossett in View of Ross**

Dossett is cited as claiming all of the claimed features with the exception of a:

tab to have a stud integral with one of the first tab portion or the third tab portion and an aperture having a flange therein through the first tab portion or the third tab portion not having the stud integral therewith, such that the first tab portion has a first tab portion thickness, the third tab portion has a third tab portion thickness, and the second tab portion has a second tab portion thickness where the second tab portion thickness is less than the first tab portion thickness.

(Paper No. 01062005, page 4, second paragraph).

Ross is cited to bolster the teaching of Dossett with regard to the relative thickness of the first, second, and third tab portions. As a result, the combination of references has been considered to render:

obvious to one of ordinary skill in the art at the time the invention was made to have modified the first, second and third tab portions of Dossett '304 to have a stud on one of first or third tab portions an aperture with a flange/flange portions therein on the other of the first or third tab portions such that the thickness of the second tab portion is less than that of the first tab portion as in Ross '809 so as to provide for a more secure and/or alternate connection between the first and third tab portions while allowing the second tab portion to bend more easily thus facilitating the connection between the first and third tab portions.

(Paper No. 01062005, page 5, first full paragraph).

With regard to independent claim 1, it is submitted that the primary reference of Dossett '304 teaches away from the prior art reference combination on the basis that the combination destroys a key attribute of Dossett. As such, it is submitted that independent claim 1 and those that depend therefrom (claims 2 and 4-9) are submitted to be nonobvious over the prior art reference combination of record.

Dossett '304 teaches a product stocking device to retain the relative position of a number of display packages such that they are readily aligned for mounting on a display hanger. The inventive product stocking device is then removed (abstract, Figures 4 and 5). For the invention of Dossett '304 to be effective, Dossett '304 teaches that:

Because bag apertures 30 are substantially coaxially aligned, the plurality of bags may be slid directly onto display hanger 60 substantially simultaneously, as depicted in Fig. 4. Thus, the stocker has avoided having to individually mount each and every of the plurality of bags 20 onto display hanger 60.

(Column 4, lines 38-43). Were one of ordinary skill in the art to modify the first, second and third portions of Dossett '304 per Ross '809 as detailed in page 5 of the outstanding Office Action, Applicant is in agreement that the intermediate second tab portion would bend more easily. While this admittedly would facilitate connection of the first and third tab portions, doing so would destroy the automatic substantial coaxial alignment detailed in Dossett '304 that results from the intermediate second portion being of the same flexibility as the first and third portions. The prior art combination, by being more flexible in the intermediate second portion is submitted to destroy the value adding function of Dossett in saving the stocker from individually mounting each of the plurality of bags.

In light of Dossett '304 teaching away from a combination with Ross '809, it is respectfully submitted that pending claim 1 is nonobvious over the prior art of record. Reconsideration and withdrawal of the rejection of independent claim 1 and those that depend therefrom under 35 U.S.C. §103(a) over Dossett '304 in view of Ross '809 is solicited.

With respect to pending claims 8 and 9 that depend from claim 1, Applicant submits that the prior art of record lacks a motivation to vary the thickness of the first tab portion relative to the third tab portion away from a 1:1 ratio. As a result, it is submitted that this represents an independent basis for potential allowability of claims 8 and 9.

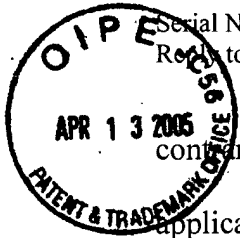
Independent claim 10 is believed to be allowable on the basis of the above remarks with respect to independent claim 1. These above remarks are hereby incorporated by reference with respect to claim 10.

In light of these remarks, it is submitted that independent claim 10 and those that depend therefrom (claims 11, 12, and 14-18) are nonobvious and allowable over the prior art of record. Reconsideration and withdrawal of the rejection of independent claim 10 and those that depend therefrom under 35 U.S.C. §103(a) over Dossett '304 in view of Ross '809 is solicited.

With respect to claim 18, which depends from claim 10, Applicant submits that there is no motivation in the prior art to modify the thickness of the first tab portion such that it is greater than the third tab portion thickness. Applicant believes this is a separate basis for the potential allowability of claim 18.

### **Summary**

With this amendment, claims 1-18 remain pending in the application. Each of the claims is submitted to be in allowable form and directed to patentable subject matter. Reconsideration and allowance of the pending claims is respectfully requested. Should the Examiner find to the

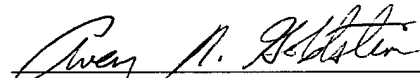


Serial No. 10/824,110

Re: Office Action of January 13, 2005

consequently, he is respectfully requested to contact the undersigned attorney in charge of this application to resolve any remaining issues.

Respectfully submitted,

  
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Janice R. Kuehn

Serial No. 10/824,110

Reply to Office Action of January 13, 2005

**AMENDMENTS TO THE DRAWINGS**

Replacement sheets 1 and 2 containing Figures 1-5 are provided herewith.



Courtesy Copy for Examiner  
Drawings from provisional  
Application SN 60/463,664

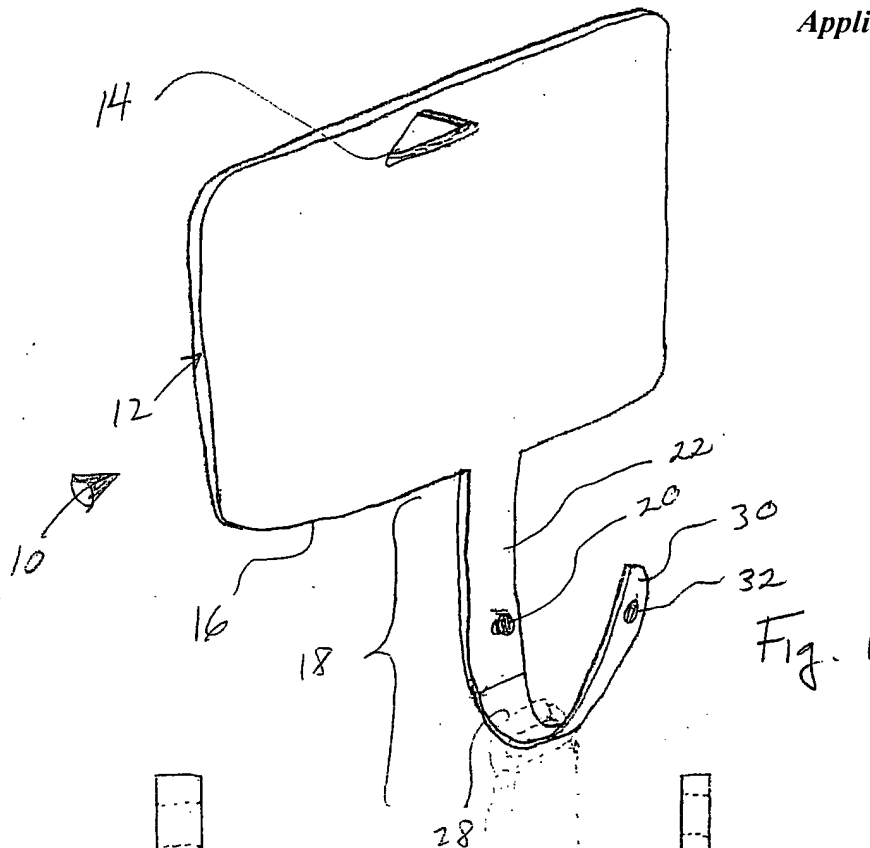


Fig. 1

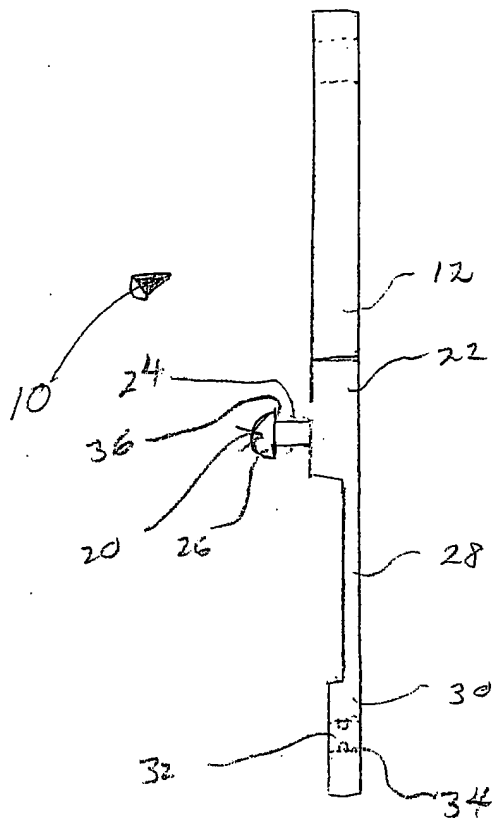


Fig. 2

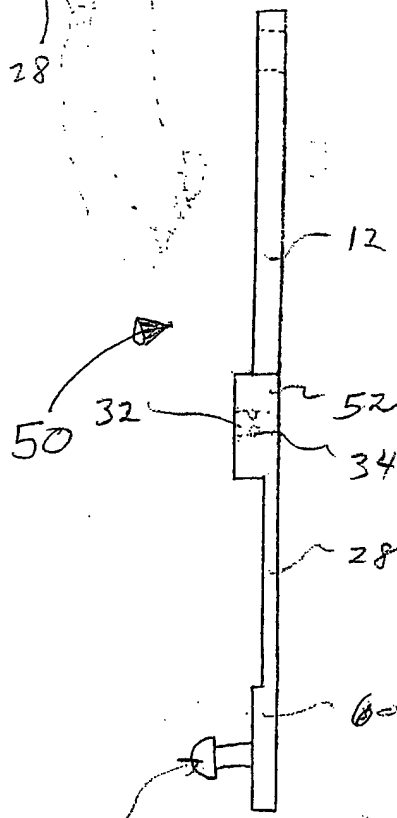


Fig. 5

*Courtesy Copy for Examiner*  
*Drawings from provisional*  
*Application SN 60/463,664*

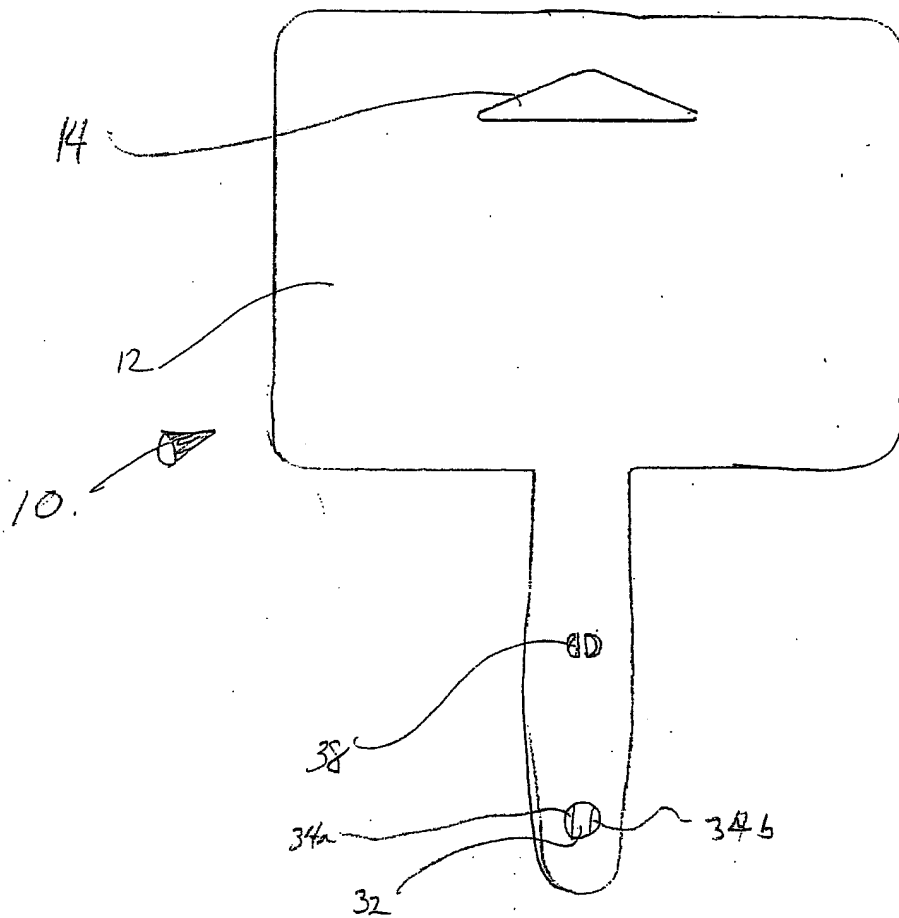


Fig. 3

